

REMARKS

This case has been carefully reviewed and analyzed in view of the Office Action dated 1 June 2005. Responsive to that Office Action, the Declaration of Tao-Fei Samuel Ng Under 37 C.F.R. § 1.131 is submitted with this Amendment to establish that a reference cited by the Examiner as Applicants' prior art is actually pre-dated by Applicants' claimed invention and therefore does not actually constitute prior art.

In the Office Action, the Examiner rejected Claims 1-18 under 35 U.S.C. § 103(a) as being unpatentable over the Clarke, et al. reference (a non-Patent Publication entitled "Freenet: A Distributed Anonymous Information Storage and Retrieval System" apparently having an effective date of July 2000). The Examiner cited this reference for disclosing a number of claimed features and relied upon Buer for the general teaching of continued processor operation for avoiding delay in a secure cache computing system when cache miss-occurs.

Without addressing the merits of the Examiner's rejection under 35 U.S.C. § 103(a), it is respectfully submitted that the rejection is inapplicable to the extent that it relies upon the Clarke, et al. reference. Clarke, et al. does not constitute prior art as to the invention claimed in the subject Patent Application.

This is made clear by the attached Declaration of Tao-Fei Samuel Ng, one of the co-Inventors and named Applicants in this case. As the Ng Declaration attests, the subject matter of the present Patent Application had already been

MR2919-18

Serial Number: 09/662,991

Reply to Office Action dated 1 June 2005

reduced to practice in the form of simulated implementations and corresponding integration in circuit form. Certain aspects of the subject matter had also been included in supporting documentation pre-dating the effective July 2000 date that the Examiner accorded to Clark et al. Thus, withdrawal of the outstanding rejection of Claims 1-18 under 35 U.S.C. § 103(a) is respectfully requested.

In light of the Clarke, et al.'s disqualification as prior art, the secondarily-cited Buer reference is found to be ineffectual to the present patentability analysis. The general teaching for which the Examiner cited this reference fail to disclose the elements recited in Applicants' pending Claims, much less their full combination in the manner claimed.

It is respectfully submitted, therefore, that the subject Patent Application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE



Jun Y. Lee
Registration #40,262

Dated: 9/29/2005

Suite 101
3458 Ellicott Center Drive
Ellicott City, MD 21043
(410) 465-6678
Customer No. 04586